

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 20, 2005

DIVISION ONE

B176052 Gallant (Certified for Publication)
v.
City of Carson et al.

The order is reversed. Plaintiff is entitled to costs on appeal.

Mallano, J.

I concur: Spencer, P.J.
I dissent: Vogel (Miriam A.), J. (Opinion)

B172883 Coalition of Free Men et al.
v.
State of California

Filed order denying petition for rehearing.

DIVISION TWO

B166377 Truck Insurance Exchange et al.
v.
Pacificare Health Systems

Filed order denying petition for rehearing.

April 20, 2005 (Continued)

DIVISION TWO (Continued)

B175349 People (Not for Publication)
v.
Alcantar, et al.

The judgment is modified as to each appellant to strike the 10-year section 186.22, subdivision (b)(1) criminal street gang enhancement and to reflect a restitution fine of \$10,000 and a parole revocation fine of \$10,000. The judgment as to Alcantar is modified to award 640 days of presentence custody credit. The judgment as to Vargas is modified to award 633 days of presentence custody credit. In all other respects, the judgments are affirmed.

Doi Todd, J.

We concur: Boren, P.J.
Nott, J. (Assigned)

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Hastings, Acting P.J., Curry, J., White, J. (Assigned) and V. Guzman, Deputy Clerk.

Each of the following:

B171442 People v. Jones
B177224 DCFS v. Shelley G.
B176394 DCFS v. Robert C.
B180784 Rosetta G. v. SCLA (DCFS)
B174638 Halle v. Clarke et al.

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B176655 Cannonball Acquisitions
 v.
 Karlsen

Merits:
Argued by Hillel Chodos for appellant and by Ronald Lewis Gallant for respondent. Cause submitted.

B171088 Merren
 v.
 Fox Entertainment Group, Inc. et al.

Merits:
Argued by Steven A. Blum for appellant and by Timothy S. Lykowski for respondents. Cause submitted.

Court in recess.

Court reconvened at 1:30 p.m.

Present: Epstein, P.J., Hastings, J., Curry, J., White, J. (Assigned) and V. Guzman, Deputy Clerk.

B169152 People
 v.
 Holt

Merits:
Argued by Jonathan P. Milberg for appellant and by Susan S. Kim, deputy attorney general for respondent. Cause submitted.

DIVISION FOUR (Continued)

B177939 Los Angeles County, D.C.S.
 v.
 Alexander M., Debra M. and Keith M.

Merits:
Argued by Marsha Faith Levine for appellant Debra M., by Leslie A. Barry for appellant Keith M., by Kate Chandler for appellant Alexander M. and by Pamela Landeros, deputy county counsel for respondent. Cause submitted.

B175692 Seay
 v.
 Ferrante

Merits:
Argued by Timothy P. Dillon for appellant and by Natasha M. Riggs for respondent. Cause submitted.

B165868 Sabo
 v.
 Heneley & Grossfeld

Merits:
Argued by David Burkenroad for appellant and by Robert W. Denton for respondent. Cause submitted.

B172015 Blackburn
 v.
 Kitchen King, Inc.

Merits:
Argued by Jonathan G. Gabriel for appellant and by Heather K. McMillan for respondent. Cause submitted.

April 20, 2005 (Continued)

DIVISION FOUR (Continued)

B173063 Essex Insurance Company
v.
Total Employee Management Company

Merits:
Argued by Troy M. Yoshino for appellant and by M. Catherine Reid for respondent. Cause submitted.

Court adjourned.

B152959 Boeken
v.
Philip Morris USA, Inc.

Filed order denying petition for rehearing.

DIVISION SIX

B174800 Watts (Not for Publication)
v.
Kyle

The judgment is reversed with directions to enter a new judgment in favor of Watts and against Kyle for \$50,000 plus interest and costs. Appellant shall recover her costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B174675 Child Protective Services (Not for Publication)
v.
Susan H.
In re Marshall H. and Joshua H., Persons Coming Under
the Juvenile Court Law

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B178474 People (Not for Publication)
v.
Poole

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B172487 Anderson Seaquist (Not for Publication)
v.
Seaquist

The judgment is affirmed. The parties shall bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

April 20, 2005 (Continued)

DIVISION SIX (Continued)

B176431 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B178271 People (Not for Publication)
v.
Cuevas

The order is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B177222 People (Not for Publication)
v.
Rubio

The judgment (order) is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

April 20, 2005 (Continued)

DIVISION SIX (Continued)

B174862 Wade (Not for Publication)
v.
County of San Luis Obispo

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B175603 People (Not for Publication)
v.
Porter

The judgment is modified to strike the \$10,000 parole revocation fine imposed pursuant to section 1202.45. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B177967 Cardelucci (Not for Publication)
v.
Hartford Casualty Ins. co.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B171893 Johnson (Not for Publication)

v.
Costco Wholesale Corp.

The judgment of the superior court is reversed. Appellant(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

B171406 Riviera Finance Inc., et al. (Not for Publication)

v.
Acres et al.

We affirm the judgment as to Riviera; and affirm as to Celtic on the conspiracy to commit fraud cause of action. We reverse and remand for leave to amend on Celtic's remaining causes of action: conspiracy to convert money and personal property; and conspiracy to violate RICO. The parties are to bear their own costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION EIGHT

B178505 People (Not for Publication)

v.
Lucio Cobian Flores

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Boland, J.

DIVISION EIGHT (Continued)

B172402 Anne Blosser (Not for Publication)
 v.
 Shane Sheibani

The order denying Sheibani's motion and petition for an order compelling arbitration is reversed. The cause is remanded with directions to the trial court to (1) excise Paragraphs 2(2), 4(a) and 4(b) from the arbitration agreement, and (2) enter a new and different order granting Sheibani's petition to compel arbitration in accordance with the arbitration agreement, as modified. Each party to bear his or her own costs of appeal.

Boland, J.

We concur: Rubin, Acting P.J.
 Flier, J.

B168627 Banc Of America Investment Services, Inc., et al. (Not for Publication)
 v.
 Ply craft Industries

The order of the trial court granting a preliminary injunction is affirmed. Banc of America and Escobar are entitled to an award of costs.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.

B176517 In re Sukeida J., A Person Coming Under the Juvenile Court Law.
 Los Angeles County, D.C.S.
 v.
 Sudan J.

Filed order denying petition for rehearing.

April 20, 2005 (Continued)

DIVISION EIGHT (Continued)

B172628 Delgado, (Not for Publication)
v.
Bula et al.

Trial court's grant of summary judgment in favor of Mother Earth and Gertrude Bula is affirmed. Mother Earth and Bula are entitled to costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.

B172425 People (Certified for Publication)
v.
Jesse G.

The order is reversed and remanded to the juvenile court for such further proceedings as the chief probation officer may determine to pursue.

Flier, J.

We concur: Cooper, P.J.
Boland, J.